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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/735,965

Filing Date: December 15, 2003

Appellant(s): KARSTENS, CHRISTOPHER KENT

Steven E. Bach
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/28/2009 appealing from the Office action
mailed 12/09/2008

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-------------------------|--------------------|---------|
| US 7,188,143 B2 | Szeto | 03-2007 |
| US 2002/0174010 | Rice, James L. III | 11-2002 |
| US-2005/0102362Price et | Price et al. | 05/2005 |

al.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim(s) 1-3, and 5-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szeto Patent No. (US 7,188,143 B2) in view of Price et al. Pub. No. (US 2005/0102362 A1) and further in view of Rice, III Pub. No. (2002/0174010 A1)

As per **claim 1**, Szeto teaches a computer-readable medium (a computer readable medium such as a computer readable storage Col. 3, Line 5) whose contents cause a source computer to control the use of content carried over a content controlled instant message session with a target computer, (technologies for controlling an application in an instant messaging environment are described, Abstract; Col. 1, Line 21) the source computer having a program for performing the (program instruction within the storage medium computer Col. 3, Line 7; program to communicate with users Col. 8, Line 24) steps of:

determining a requested use attribute (206) for instant message (FIG.1) content generated by the source computer (the instant messaging environment can request and retrieve applications and instant messages based on the identifier 'from both clients and users' Col. 3, Line 1);

sending the requested use attribute (FIG.10) to the target computer (the control message is sent to IM clients which implements the requested IM applications Col. 13, Line 53);

receiving (1102) an indication verifying whether a content controlled instant message session is supported at the target computer (IM applications may require the use of a supporting application for execution, if needed maybe downloaded from the central IM servers so that users may obtain new environments to specify to other users Col.2, Line 51-76 FIG.10) ; and

establishing the content controlled (1302) instant message session (406) having a session use attribute (FIG.14A) based upon the requested use attribute with the received (400) indication (a control message for sending and receiving the message and selecting an IM environment to execute the applications Col. 3, Line 28; FIG. 4), the content controlled instant message session controlling the use of content provided over the session at the target computer in accordance with the session use attribute (user interface commands that control the content and the display of the IM application between the user and the client Col. 5, Line 36. FIG. 2; instant messaging server that interact between a client and a user Col. Col. 6, Line 6).

But does not teach the specifics on controlling the content features of the target computer by generating a request content by the source computer and receiving an indication verifying a content controlled instant message session has been established and is supported at the target computer. However, Price teaches a method for communicating with computer system devices, wherein Instant Messaging software is

embedded within a peripheral device that uses an embedded software to communicate with a computer system responsive to an event where a device send out a Instant Messaging messages responsive to a status of the peripheral device or an event ([0011][0016][0017] FIG.3) The peripheral device then receives and processes at least one Instant Messaging message from a user, application program or other devices to inform the source if the user has the desired functions and/or capabilities for support then responsively take actions and create the Instant Messaging message responsive to a characteristic of the output job or a status of the device including establishing communities and support ([0018] [0023] [0025] FIG.4) also Rice teaches a method for improving interface efficiencies between network computing devices by providing a code to enable/disable functions and/or initiate the interface between a source computer and a client. This enabling/disabling code is downloadable in a format suitable for making the full communication possible and supported by both systems ([0015] FIG.16) the server or source computer initiates the application Server as indicated at (1614) and determine the appropriate functions to be disabled at the client from the perspective of the user as Indicated at (1620) the appropriate restrictions on the recipient user's capability are implemented in the client environment, indicated at ([0169] [0171] [0172] [0215] FIG.17)

It would have been obvious to a person having ordinary skilled in the art at the time the invention was made to have modified Szeto by the teaching of Price and Rice where one would consider controlling a target computer or a printing device through instant messaging messages and receive an indication of whether the message has

been processed to control such feature of the target device. Also one would consider disabling/enabling content features to its clients to add security measures to data flow among computing devices for improving the flow of information.

As per **claim 2**, Szeto teaches a the computer-readable medium of claim 1 (a computer readable medium such as a computer readable storage Col. 3, Line 5 FIG.2) wherein the received indication further includes an indication that a content use feature (start function for IM window activation Col. 9, Line 35; FIG. 5) on the target computer corresponding to the requested use attribute has been activated. (an environment in the instant messaging system that gives the user options to activate and indicate the user content features on the client side Col. 1, Line 40; FIG. 1)

As per **claim 3**, Szeto teaches the computer-readable medium of claim 2 (a computer readable medium such as a computer readable storage Col. 3, Line 5) wherein the content use feature is a disabled printing function, a disabled screen capture function (user interface function controlling IM applications were a monitor screen has containing the history window Col. 13, Line 56), a disabled third party join function (using a third party servers for instant messaging Col. 4, Line 8; Col. 12, Line 36; FIGs 10), a disabled clipboard copy function, or a disabled logging function at the target computer (Instant messaging servers may perform various functions for communications and conversions Col.1, Line 32-48; Col. 5, Line 46; FIG.3).

As per **claim 5**, Szeto teaches the computer-readable medium of claim 1 further comprising: updating the session use attribute during communication over the content controlled instant message session (FIG.10A) after the establishing of the content controlled instant message session step (the instant messaging server retrieves and updates the client's environment from the network Col. 6, Line 34; Col. 9, Line 49 FIG.2).

As per **claim 6**, Szeto teaches a computer-readable medium (a computer readable medium such as a computer readable storage Col. 3, Line 5) whose contents enable a source computer to control the use of content carried over a content controlled instant message session at a target computer (the instant messages and content are downloaded and controlled from a central source to the clients Col. 10, Line 34; FIGs. 10), the target computer having a program (program instruction within the storage medium computer Col. 3, Line 7; program to communicate with users Col. 8, Line 24) for performing the steps of:

receiving a first message containing a first requested use attribute from the source computer (the control message is sent to a client requesting the IM application Col. 13, Line 53; FIG. 13);

reading the first requested use attribute (the messaging environment can read the information available to client Col. 12, Line 5; FIGs. 9);

determining whether a content use feature corresponding to the first requested use attribute is supported on the target computer (the instant messaging environment

determines whether a supporting application is required Col. Abstract; Col. 2, Line 57; Col. 13, Line 8; FIGs. 12); and

sending a second message indicating the support of the content use feature to the source computer (a sending instant messaging environment identifying the application status Col. 2, Line 41; when first client is identified and supported the control message sends sets a message to a second client and executing the application in the messaging environment Col. 3, Line 16-35; Col. 5, Line 40).

As per **claim 7**, Szeto teaches the computer-readable medium of claim 6 (a computer readable medium such as a computer readable storage Col. 3, Line 5) wherein the program further comprises the step of: activating the content use feature on the target computer (an environment in the instant messaging system that gives the user options to activate and indicate the user content features on the client side Col. 1, Line 40; FIG. 1; start function for IM window activation Col. 9, Line 35; FIG. 5).

As per **claim 9**, Szeto teaches the computer-readable medium of claim 6 (a computer readable medium such as a computer readable storage Col. 3, Line 5) wherein the second message includes a first unsupported use attribute (the instant messaging environment determines whether a supporting application is required Col. Abstract; Col. 2, Line 57; Col. 13, Line 8; FIGs. 12), the first unsupported use attribute defining the feature on the target computer which may not be activated (an environment in the instant messaging system that gives the user options to activate and indicate the

user content features on the client side Col. 1, Line 40; FIG. 1; start function for IM window activation Col. 9, Line 35; FIG. 5).

As per **claim 10**, Szeto teaches the computer-readable medium of claim 6 (a computer readable medium such as a computer readable storage Col. 3, Line 5) wherein the program (program instruction within the storage medium computer Col. 3, Line 7; program to communicate with users Col. 8, Line 24) further comprising the steps of:

determining a second requested use attribute for instant message content generated by the target computer (the instant messaging environment can request and retrieve applications and instant messages based on the identifier 'from both clients and users' Col. 3, Line 1), the second requested use attribute corresponding to a second content use feature (user interface displays instant messages and their corresponding environment to the user from the client Col. 5, Line 39; Col. 6, Line 23);

sending the second requested use attribute to the source computer (the control message is sent to IM clients from the source computer which implements the requested IM applications Col. 13, Line 53);

receiving at the source computer an activation indication of the second content use feature (a code or signature is used to verify the integrity of the environment Col. 8, Line 65); and sending an instant message having content controlled by the second content use feature (technologies for controlling an application in a n instant messaging environment, Abstract; Col. 1, Line 21).

As per **claim 11**, Szeto teaches the computer-readable medium of claim 6 (a computer readable medium such as a computer readable storage Col. 3, Line 5) further comprising the step of: updating the first requested use attribute (the instant messaging server retrieves and updates the client's environment from the network Col. 6, Line 34; Col. 9, Line 49)

As per **claim 12**, Szeto teaches the computer-readable medium of claim 10 (a computer readable medium such as a computer readable storage Col. 3, Line 5) further comprising the step of: updating the second requested use attribute (the instant messaging server retrieves and updates the client's environment from the network Col. 6, Line 34; Col. 9, Line 49)

As per **claim 13**, Szeto teaches a computer-readable medium (a computer readable medium such as a computer readable storage Col. 3, Line 5) whose contents cause a computer system to control the use of content over a content controlled instant message session (technologies for controlling an application in a n instant messaging environment are described, Abstract; Col. 1, Line 21), the computer system having a source computer having a source program and a target computer having a target program, the target program having access to disabling a content use feature on the target computer (program instruction within the storage medium computer Col. 3, Line

7; program to communicate with users Col. 8, Line 24; program control or environment program Col. 6, Line 40; Col. 9, Line 51), by performing the steps of:

sending a requested use attribute for instant message content generated by the source program (the control message is sent to IM clients which implements the requested IM applications Col. 13, Line 53);

receiving the requested use attribute at the target program (the control message is sent to a client requesting the IM application Col. 13, Line 53; FIG. 13);

determining whether a content use feature corresponding to the requested use attribute is supported (user interface displays instant messages and their corresponding environment to the user from the client Col. 5, Line 39; Col. 6, Line 23);

receiving at the source computer an indication of whether the content use feature is supported (a code or signature is used to verify the integrity of the environment Col. 8, Line 65); and

establishing the content controlled instant message session having a session use attribute defining the content use feature (a control message for sending and receiving the message and selecting an IM environment to execute the applications Col. 3, Line 28; FIG. 4)

As per **claim 15**, Szeto teaches the computer-readable medium of claim 13 (a computer readable medium such as a computer readable storage Col. 3, Line 5) further comprising the following step before the receiving an indication step (a code or

signature is used to verify the integrity of the environment Col. 8, Line 65), the following step comprising:

determining a second requested use attribute to control content sent by the target program (the instant messaging environment can request and retrieve applications and instant messages based on the identifier 'from both clients and users' Col. 3, Line 1)

Regarding claims 8, 14, and 16-30 are related to the same limitation set for hereinabove, where the difference used is the phrase 'method' in most of the claims. The citations from the prior art has been inserted where's necessary. Furthermore, the wordings of the claims were interchanged within the claim itself and this change does NOT effect the limitation of the above treated claims. The claim's limitations seemed to be repeated in many claims throughout the application. Even in the above treated claims many of the statements were just repeated from previously written claims within the application. Even though claims 8, 14, 16-30 have been differently written from the above treated claims, yet the limitations did not change. As mentioned, claim 8 is the same as claim 3, claim 14 is the same as claim 7, claim 16 is the same as claim 3, claim 17 is the same as claim 4, claim 18 is the same as claim 5, claim 19 is the same as claim 1, claim 20 is the same as claim 2, claim 21 is the same as claim 3, claim 22 is the same as claim 4, claim 23 is the same as claim 5, claim 24 is the same as claim 6, claim 25 is the same as claim 7, claim 26 is the same as claim 8, claim 27 is the same as claim 9, claim 28 is the same as claim 10, claim 29 is the same as claim 11, claim 30

is the same as claim 12. a repeated minor difference was introduced between claims 8, 14, 16-30 and the above treated ones that did NOT change the limitations is that, for example, sending a request from the client is the same as sending a request from the source where the process is done by a server and instruction code, again there are no difference in limitations between claims 8, 14, and 16-30 and the above treated claims.

As per **claim 31**, Szeto teaches the computer-readable medium of claim 1 (a computer readable medium to store data files Col. 3, Line 5) wherein the content use function is a recording or reproduction function (an instant messaging server in the computer readable medium may record functions and event to be retrieved at a later time Col. 11, Line 50; Col. 13, Line 37)

(10) Response to Argument:

• **Argument-1** (pages 16, 18-19, 29-33)

"determining a requested use attributes for instant message content generated by the source computer then sending the requested use attributes to the target computer; and receiving an indication verifying whether a content controlled instant message session is supported at the target computer"

• **Examiner response to argument-1**

The cited art teaches a messaging server that generates requests instant messages for clients where the instant message environment creates a control message that is sent to IM clients and controlled by the IM application process to control

clients in their IM environment. The source computer generates the request and upon acceptance from the client device a software is embedded within in the target or the peripheral device to communicate with the computer system responsive to an event (Price -[0011][0016][0017] FIG.3) The peripheral device then receives and processes at least one Instant Messaging message from the source computer, then the client sends an indication verifying and informing the source computer if the user has the desired functions and/or capabilities for support then responsively take actions and create the Instant Messaging message responsive to a characteristic of the output job or a status of the device including establishing communities and support in the instant messaging environment (Price -[0018] [0023] [0025] FIG.4)

• **Argument-2** (pages 20-23, 25, 28-29-33)

"the content controlled instant message session controlling the use of content provided over the session at the target computer in accordance with the session use attribute wherein the controlled use of content feature is a disabled printing function, a disabled screen capture function, a disabled third party join function, a disabled clipboard copy function, or a disabled logging function at the target computer; and updating the session use attribute during communication over the content controlled instant message session after the establishing of the content controlled instant message session step"

• **Examiner response to argument-2**

The cited art teaches a messaging server that generates instant messages for clients where the instant message environment creates a control message that is sent to IM clients and controlled by the IM application process to control clients in their IM environment. The instant messaging environment identifies a selected instant messaging application at the client's site and generates a control message enables the user to generally control over the appearance and operation of the instant messaging client (Szeto -Col.1, Line 21; Col.3, Line 1; FIG.1) Consider FIG.16 of Rice's reference that shows a process flows relating to the control of client capabilities for an application link. This may be thought of as a "catch-all" access control variable. Because once the client interacts with the App-Link,the server will have control of the client's cabbalists; this is done by building in a special code (APIS) into the client termed "toggles" herein, which allow certain capabilities to be toggled on or off remotely by the server. Once the client has built-in software "toggles" or APIs, then it can be controlled remotely by the server. These "toggles" control the recipient's local capabilities, including but not limited to file printing, save to local memory or "clipboard", save to local storage, or saving file changes onto the App-Link server. The specific App-Link properties at 1616 are examined, in this instance that printing and local save will not be permitted, but a local memory "clipboard" copy will be permitted, indicated at 1618. The appropriate functions are then disabled, from the perspective of the user, as indicated at 1620, by acting on the recipient's thin client. The appropriate restrictions on the recipient user's capability are implemented in the thin-client environment, indicated at 1622. (Rice - [0169] [0171] [0172] [0215] FIG.16) furthermore, improving interface efficiencies between network

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computing devices by providing a code to enable/disable functions and/or initiate the interface between a source computer and a client. This enabling/disabling code is downloadable in a format suitable for making the full communication possible and supported by both systems (Rice - [0015] FIG.16) the server or source computer initiates the application server as indicated at (1614) and determine the appropriate functions to be disabled at the client from the perspective of the user as Indicated at (1620) the appropriate restrictions on the recipient user's capability are implemented in the client environment. (Rice - [0169] [0171] [0172] [0215] FIG.17)

- **Argument-3** (pages 26-27-33)

"receiving a first message containing a first requested use attribute from the source computer then sending a second message indicating the support of the content use feature to the source computer then establishing content controlled instant message session having a session use attribute defining the content use feature whereas the received indication further includes an indication that a use content feature on the target computer corresponding to the requested use attribute has been activated"

- **Examiner response to argument-3**

The instant messaging client verifies content use controls and sends back a message to the central instant messaging server through an identifier that is assigned to the instant messaging environment to control messages wherein the instant messaging environment contains a source of the environment that facilitates tracking of the environment use and monitor the client's use of any functions. The instant messaging

server may track statistics about clients and record all clients activates and factions that may have been executed by clients. The instant message environment creates a control message that is sent to IM clients generated and controlled by the IM application process to control clients in their IM environment. . A user may select or modify an instant messaging environment and in one environment a central instant messaging server may itself specify or modify an environment. For this reason, the instant messaging environment is only updated from the central server to ensure security measures and control over content. (Szeto -Col.2, Line 51-76; Col.13, line 53; FIG.10) Clients can change the control use (use attribute) during messaging session. the instant messaging client may use a side verity of functionality and user interactivity during a messaging session (i.e. adding or joining different IM environments) where client may share photos, videos, music and sensitive data that can be hosted on servers communicating with the instant messaging clients. Moreover Szeto discloses and suggests instant messaging programs at the client computer that allow users to send and receive messages and reads other clients content and determines whether content is supported to the central IM server also other programs are implemented at the client computer to allow users to select and modify an environment and defines how the environment looks like and behaves. (Szeto -Col. 5, Line 36, Col. 6; Line 6; FIG. 14A)

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/A. O. M. /

Examiner, Art Unit 2446

July 30, 2009

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446

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